

A-1716

Removal of:

- (a) one 19.0-inch diameter Red Maple tree located in the east side yard of the property
- (b) one 14.0-inch diameter White Pine tree located in the rear yard of the property and
- (c) one 16.4-inch diameter White Pine tree located in the rear yard of the property.

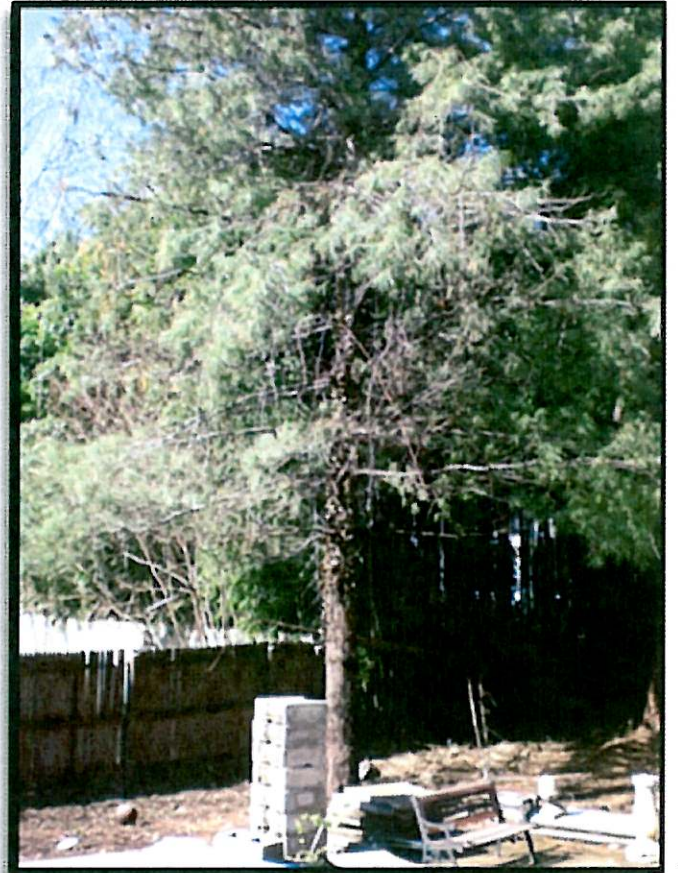
Mr. and Mrs. Marc D. Weller
104 East Melrose Street

104 East Melrose Street

(a) 19.0-inch Red Maple on east side of yard



(b) 14.0-inch White Pine in rear yard



(c) 16.4-inch White Pine in rear yard



**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 11th day of May, 2009 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-1716
MR. AND MRS. MARC D. WELLER
104 EAST MELROSE STREET
CHEVY CHASE, MARYLAND 20815**

The applicants have filed an appeal pursuant to Section 17-4 (b) of the Chevy Chase Village Urban Forest Code to remove: (a) one 19.0-inch diameter Red Maple located in the east side yard of the property, (b) one 14.0-inch diameter White Pine in the rear yard and (c) one 16.4-inch diameter White Pine tree located in the rear yard of the property

The Chevy Chase Village Code § 17-4 (b) states:

The Board of Managers shall have the authority to permit the removal or destruction of a tree or the undertaking of any action that will substantially impair the health or growth of a tree if, after a public hearing, the Board finds that such removal, destruction or other action will not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties and can be permitted without substantial impairment of the purpose and intent of this chapter.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.ccvillage.org or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting property owners on the 30th day of April 2009.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

MAILING LIST FOR APPEAL A-1716 (A)-(C)

MR. AND MRS. MARC D. WELLER
104 EAST MELROSE STREET
CHEVY CHASE, MARYLAND 20815

Adjoining and confronting property owners	
Mr. Michael C. Williams Ms. Susan K. Gallagher Or Current Resident 21 East Melrose Street Chevy Chase, MD 20815	Mr. and Mrs. John H. Hanley Or Current Resident 108 East Melrose Street Chevy Chase, MD 20815
Mr. Daniel L. Korengold Ms. Martha L. Dippell Or Current Resident 101 East Melrose Street Chevy Chase, MD 20815	Mr. and Mrs. Michael H. Kail Or Current Resident 101 East Lenox Street Chevy Chase, MD 20815
Mr. and Mrs. Robert S. Nichols Or Current Resident 102 East Melrose Street Chevy Chase, MD 20815	Mr. and Mrs. Andrew Hamilton Or Current Resident 105 East Lenox Street Chevy Chase, MD 20815
Mr. Gary Gensler Ms. Francesca Danieli Or Current Resident 105 East Melrose Street Chevy Chase, MD 20815	Mr. Jan P. Acton Helen E. Blumen Or Current Resident 107 East Lenox Street Chevy Chase, MD 20815

I hereby certify that a public notice was mailed to the aforementioned property owners on the 30th day of April, 2009.



Doris M. Lyerly
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815

GEOFFREY B. BIDDLE
Village Manager
DAVID R. PODOLSKY
Legal Counsel

CHEVY CHASE VILLAGE
5906 CONNECTICUT AVENUE
CHEVY CHASE, MD 20815
Telephone (301) 654-7300
Fax (301) 907-9721
ccv@montgomerycountymd.gov

BOARD OF MANAGERS
DOUGLAS B. KAMEROW
Chair
DAVID L. WINSTEAD
Vice Chair
SUSIE EIG
Secretary
GAIL S. FELDMAN
Treasurer
BETSY STEPHENS
Assistant Treasurer
PETER M. YEO
Board Member
ROBERT L. JONES
Board Member

April 30, 2009

Mr. Ronald Schneck
Square 134 Architects
1232 M Street, NW
Washington, DC 20005

RE: 104 East Melrose Street. Tree Removal Appeal

Dear Mr. Schneck:

Please note that your appeal to remove three White Pines and one Red Maple tree located on the above-referenced property is scheduled before the Board of Managers on Monday, May 11, 2009 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Doris M. Lyerly
Permitting and Code Enforcement Specialist
Chevy Chase Village

Enclosures

cc: Mr. and Mrs. Marc D. Weller, 104 East Melrose Street, Chevy Chase, MD 20815

Chevy Chase Village Tree Removal Permit Application

Permit Number:

A-1716

Date of Application:

4/23/09

Applicant Name: MARC WELER	
Address: 104 E. MELROSE	Phone: 202 409 1551
Contractor (Required): BARTLETT	Phone: 301 343 2562
Contact Person:	MD DNR License No. (Required)

Chapter 17. Urban Forest §17-1 and 17-2. Permit Required

Chapter 17 applies to trees on private property with trunks that measure at least twenty-four (24) inches in circumference at four and one-half (4 1/2) feet above ground level. § 17-2 reads: "no person shall remove or destroy, or cause the removal or destruction, of a tree or undertake any action that will substantially impair the health or growth of a tree without first obtaining a permit from the Village Manager. No permit shall be required for normal and reasonable trimming or other tree care designed to maintain the health, shape, or balance of a tree."

§17-3 Permit Standards

The Village Manager is authorized to issue a permit only if at least one (1) of the following conditions applies:

- ☐ The tree is damaged beyond restoration, insect infected beyond restoration, or injured beyond restoration;
- ☐ The tree is dead or dying or in danger of falling;
- ☐ The tree constitutes a hazard to the safety of persons;
- ☐ The tree constitutes a hazard and threatens the safety of property;
- ☐ The tree constitutes a hazard and threatens injury to, or would have a negative effect on, the health of other trees;
- ☐ The tree is injurious to or creates a condition injurious to the health of a person as determined by a qualified medical practitioner.

An applicant who is denied a tree removal permit by the Village Manager may appeal the Manager's decision to the Board in writing within ten (10) days of the denial for the application of the permit.

Filing Requirements

- ☐ There is a \$50.00 per tree filing fee for a Chevy Chase Village Tree Removal Permit.
- ☐ Copy of the findings and recommendations report from either the Village staff or the Chevy Chase Village Consulting arborist.
- ☐ A completed Tree Removal Permit Application, including the selected tree contractor's name and phone number, and payment of filing fees.

By signing below, I understand that no work may be performed until the Village permit is issued and posted to be visible from the street.

Applicant's Signature:

MARC WELER

Date:

4/23/09

For use by HPC only:

Historic Area Work Permit required?

Yes ☐

No ☐

(HPC Initials)

Tree Removal Plans (including reforestation plan, if any)
OWNER WILL REPLACE EACH TREE REMOVED WITH A NEW TREE CONSISTENT W/ REFORESTATION GUIDELINES. PERMIT REQUESTED FOR FOLLOWING TREES 29" WHITE PINE, 19" RED MAPLE, 14" WHITE PINE + 16.4" WHITE PINE.

For Use By Village Manager	Approved with the following conditions:

For Use By Village Manager	Denied for the following reasons:
<div style="border: 2px solid black; padding: 5px; text-align: center;"> DENIED APR 16 2009 Chevy Chase Village Manager </div>	ALL HEALTHY <i>[Signature]</i>

Filing Fees	Checks Payable to:	Chevy Chase Village
Permit Fee: 100	# 1121	5906 Connecticut Avenue
Damage Deposit:		Chevy Chase, MD 20815
Appeal Fee: 250	Date: 4-27-2009	
Total Fees & Deposits: 350	Staff Signature: <i>[Signature]</i>	

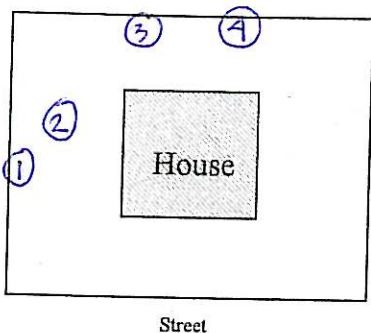
\$100 for 2 tree inspections on 3/13/09
Check #146

Tree Inspection Request

Address 104 East Melrose Date 4-16-09
 Resident's Name Weller Phone #s _____

Circle One: Private Property Village Street/Park Tree _____

Concern(s) _____



Call taker to indicate location of tree(s) using "plat" and Number designation itemized below.

#1 - _____
 #2 - _____
 #3 - _____

(Please list no more than three trees per page)

***** To be completed by arborist *****

Tree # 1: Type and Diameter White Pine 29" DBH
 Assessment: Denial For Healthy Tree should be
pruned and vines removed Top has broken out of tree
limbs have assumed higher positions 4 limbs are up Tree should be inspected
 Tree # 2: Type and Diameter Red Maple 19.5" DBH
 Assessment: Healthy "V" crotch
Tree needs to be pruned & cable installed
Denial
 Tree # 3: Type and Diameter White Pine 14.5" DBH
 Assessment: Healthy Remove vines
Denial

If removal requested. - Approved		Denied	Permit Required?	Y	N
Tree 1	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tree 2	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tree 3	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Signature [Signature]

Date 4-16-09

Tree Inspection Request

Address 104 E Melrose

Date 4-16-09

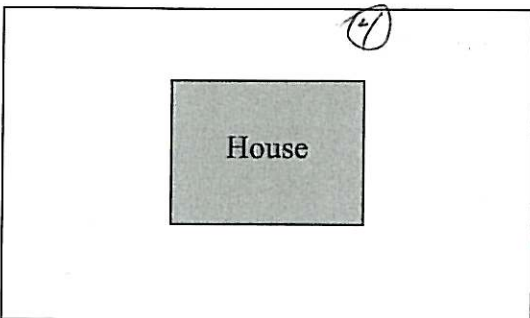
Resident's Name Walker

Phone #'s _____

Circle One: Private Property

Village Street/Park Tree _____

Concern(s) _____



Call taker to indicate location of tree(s) using "plat" and Number designation itemized below.

#1 _____



#2 _____

#3 _____

(Please list no more than three trees per page)

*****To be completed by arborist*****

Tree #1: Type and Diameter White Pine 16.4" DBH

Assessment: Healthy Tree leans towards house
Denied

Tree #2: Type and Diameter _____

Assessment: _____

Tree #3: Type and Diameter _____

Assessment: _____

If removal requested. – Approved Denied

Permit Required? Y N

Tree #1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tree #2	<input type="checkbox"/>	<input type="checkbox"/>
Tree #3	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Signature [Signature]

Date 4-16-09

April 17, 2009

Board of Managers
Chevy Chase Village
Chevy Chase, Maryland 20815

Re: 104 E. Melrose - Appeal for Permission to Remove Trees

To whom it may concern,

This appeal is prepared on behalf of Marc and Eileen Weller, residents of 104 E. Melrose. We respectfully request to remove the following trees:

- 1 - Red Maple 19"
- 2 - White Pine 14"
- 3 - White Pine 16.4"

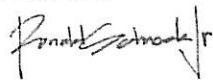
The context of the appeal is as follows:

- 1 - An addition/renovation is planned that involves the enlargement of the first floor and a 2 1/2 story addition off the back of the house. A new garage is also planned. In order to access the new garage, an existing (1) 19" Red Maple will need to be removed. See "X" on A1 for location on existing site plan and A2 for location on proposed site plan.
- 2 - Also, in order to provide for a more usable yard we would like to remove a (2) White Pine 14" and a (3) White Pine 16.4." See "X" on A1 for location on existing site plan and A2 for location on proposed site plan.
- 3 - The Village Arborist reviewed a Tree Removal Application on 04-16-09 that requested the removal of all three trees. All three trees were denied.

Several circumstances support the Special Permit request:

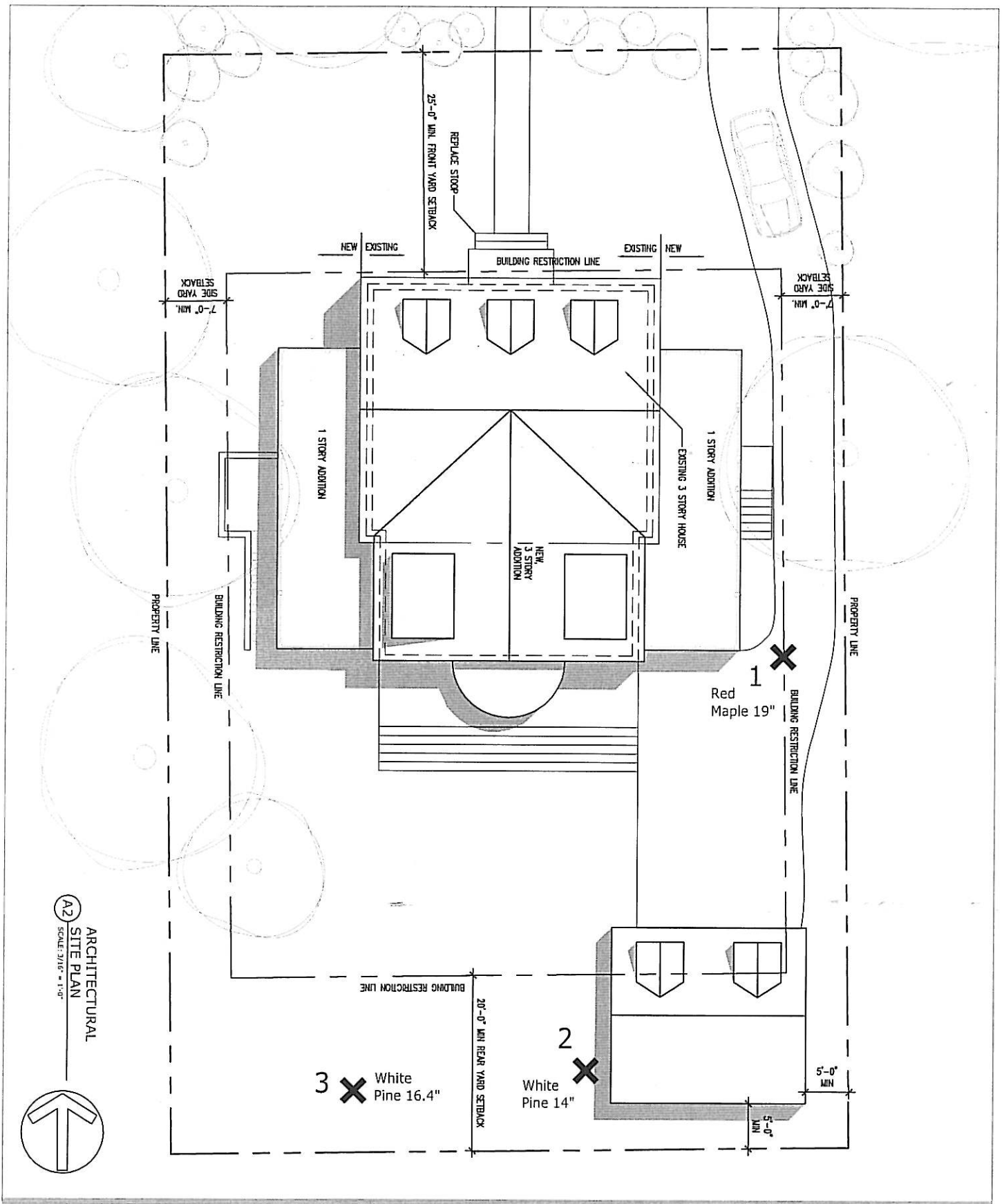
- 1 - The Owner's plan to create a new garage, and access to it, will allow for the property to accommodate the off-street parking requirements for the family.
- 2 - The trees do not seem to have any outstanding qualities as to species or age.
- 3 - The Owner's plan to replace each tree removed with a new tree, consistent with reforestation guidelines.
- 4 - Removal will not adversely affect the public health, safety or welfare, or the reasonable use of adjoining properties.

Regards,



Ronald Schneck AIA, Principal

Attachments: A1 and A2



Proposed Site Plan

A2

104 E. Melrose
 April 17, 2009
 Proj. No. 08027

Square

134

Architects



Lyerly, Doris

From: Jan Acton [jpacton@comcast.net]
Sent: Thursday, May 07, 2009 10:19 AM
To: Lyerly, Doris; 'Joan Gaul'; 'Jorie Jurgens'; kinterg@verizon.net; 'Nina Bang-Jensen'; 'Ralph Stephens'; 'Richard Marsh'; bobelliottcc@comcast.net; samandpol@aol.com; 'Susan Kirby'; susieeig@gmail.com; 'Thomas and Kristina Schendt'; 'Thomas and Kristina Schendt'
Subject: RE: 104 East Melrose Street

Doris and Fellow Tree Committee Members,

My property abuts the 104 E. Melrose property, for which the owners propose to remove three mature trees. Thus, I have a dual interest in the outcome—both as a tree committee member and as an affected neighbor. We have inspected the property and trees in question.

My wife and I strongly object to the removal of the Maple tree. The tree is in excellent health and appearance. It is a very large tree that lies between 104 and 106 E. Melrose and it provides screening for our view to the northwest from 107 E. Lenox St. Given the maturity and size of this Maple, it would take 20-30 years for a replacement tree to provide similar services.

If this tree were removed, it would present us with a naked view of a very large (3-story) house that looms over our backyard. Its removal would also deprive the Village of the benefits of shade, canopy, carbon dioxide control, and consistency with the urban tree appearance of the Village.

The Maple is healthy has an excellent form, is not damaged, and does not threaten property or structures.

The two pines provide similar benefits as trees, but we are not personally affected by the visual impact of their removal and we do not feel as strongly about those trees being removed and replaced with other species.

Doris, is there anything else that I need to do to put our objections on record?

Thanks for your consideration,

Jan Acton

From: Lyerly, Doris [mailto:Doris.Lyerly@montgomerycountymd.gov]
Sent: Wednesday, May 06, 2009 4:17 PM
To: Jan Acton; Joan Gaul; Jorie Jurgens; kinterg@verizon.net; Nina Bang-Jensen; Ralph Stephens; Richard Marsh; bobelliottcc@comcast.net; samandpol@aol.com; Susan Kirby; susieeig@gmail.com; Thomas and Kristina Schendt; Thomas and Kristina Schendt
Cc: Lyerly, Doris
Subject: 104 East Melrose Street

Dear Committee Members,

The applicant at 104 East Melrose had originally requested the removal of four trees. One of those trees was a 29.0-inch diameter White Pine that shared the property line with the neighbor who did not provide consent to have the tree removed so it has been withdrawn from the original request. Please disregard this particular tree.

Sincerely,
Doris M. Lyerly

Permitting & Code Enforcement Specialist
Chevy Chase Village
301-654-7300
doris.lyerly@montgomerycountymd.gov

From: Lyerly, Doris [mailto:Doris.Lyerly@montgomerycountymd.gov]

Sent: Wednesday, May 06, 2009 4:17 PM

To: Jan Acton; Joan Gaul; Jorie Jurgens; kinterg@verizon.net; Nina Bang-Jensen; Ralph Stephens; Richard Marsh; bobelliottcc@comcast.net; samandpol@aol.com; Susan Kirby; susieeig@gmail.com; Thomas and Kristina Schendt; Thomas and Kristina Schendt

Cc: Lyerly, Doris

Subject: 104 East Melrose Street

Dear Committee Members,

The applicant at 104 East Melrose had originally requested the removal of four trees. One of those trees was a 29.0-inch diameter White Pine that shared the property line with the neighbor who did not provide consent to have the tree removed so it has been withdrawn from the original request. Please disregard this particular tree.

Sincerely,

Doris M. Lyerly

Permitting & Code Enforcement Specialist

Chevy Chase Village

301-654-7300

doris.lyerly@montgomerycountymd.gov